

PATENT APPLICATION US 10/520,283 COLUNGA, ALFREDO GONZALEZ (PCT ES/2003/000396)

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REPETITION

May 28th 2008

Magda Cruz
Patent Examiner
United States Patent and Trademarks Office (USPTO)
Alexandria, Virginia
USA

Application nº 10/520,283 (PCT ES 03/00396)
COLUNGA, ALFREDO GONZALEZ-

Request for Continued Examination

In respect to the Final Office Action mailed 11/28/2007 with time extension to reply of six months from the mailing date of the communication (37 CFR 1.136 a) we request for continued examination of the application before filing a notice of appeal (37 CFR 1.114) and we include with the submission of the request(37 CFR 114 c)::

- a) An amendment of the written description, claims and abstract (11 pages)
- b) New arguments
- c) New evidence in support of the patentability
- d) Petition of extension of time for three months (37 CFR 1.136 a) with Credit Card Payment Form for 525 USD (Small Entity).
- e) Request for Continued Examination Transmittal (37 CFR 1.114) with Credit Card Payment Form for 405 USD (Small Entity).

Amendment of the written description , claims and abstract

Amendments are filed to comply with the requirements of the Final Office Action. All them are of suppression except the following additions which are not new because they have been the result of an Examiner requirement, are improvement of grammar or were already contained in the previous version:

-In page 3 line 9: "of two sheets of transparent material with a liquid between both sheets".
This was contained in the previous page 2- lines 1-2.

-In claim 1 page 8 , lines 2-3 "approaching or moving away the projected image on them"
contained in the previous page 2 line 7.

The claims 2 and 3 have been cancelled.

New arguments to the Final Office Action with request for continued examination**DRAWINGS****1. SUFFICIENCY OF THE DRAWINGS**

The examiner objects the drawings because these " must show every feature of the invention specified in the claims" (37 CFR 1.83 a) in particular " the projectors" (claims 1-4), "multilaminar material with a liquid between them" (claim 1), " a transparent screen" (claim 1), "multidirectional lens or mirrors or independent auxiliary projectors in the case in which the faces of the polyhedron bodies are not parallel or the polyhedron bodies are conjugated or irregular" (claim 2), "a system of luminic, acoustic or thermal sensors" (claim 3), "two sheets of glass, methacrylate or any other multilaminar material with the liquid between them" (claim 4), " an spectator" (claim 4) and " liquid between two sheets of a screen" (claim 4).

After receiving a requirement in the first Office Action we have filed two drawings, indicating "New sheets" according the requirement and 37 CFR 1.121 (d).

The figure 1 shows the projectors (n° 1) which are a plurality of them and two multilaminar screens (2 and 3) which are in the same time the sheets of glass, methacrylate or any other multilaminar material and that figure applies to all claims.

The figure 2 shows three conjugate (not concentric) cubes whose faces are not parallel.

According the article 7 PCT " subject to the provisions of paragraph (2) (ii) drawings shall be required when they are necessary for the understanding of the invention". According to 37 CFR 1.81 " The applicant for a patent is required to furnish a drawing of his or her invention where necessary for the understanding of the subject matter sought to be patented"(a) and " whenever the nature of the subject matter sought to be patented admits of illustration by a drawing without its being necessary for the understanding of the subject matter and the applicant has not furnished such a drawing the examiner will require its submission within a time period of not less than two months..." (c).

In the case the subject matter sought to be patented admits of illustrations by a drawing without its being necessary for the understanding of the patent, the logical interpretation of the legal rule entails that it is enough to file when it is required only an illustration not a complete description of the subject matter. In this particular case it is impossible to represent by a drawing the multilaminar nature of a transparent screen because all the elements of the screen are transparent too, and the presence of a liquid between the sheets of the screen because the liquid is transparent too, and these elements can be understood without drawings.

The multidirectional lens or mirrors or independent auxiliary projectors in the case in which the faces of the polyhedron bodies are not parallel or the polyhedron bodies are conjugated or irregular, are not included in the principal claim (1) and only affect to the claim (2). Therefore the objection to the drawings in that case must be limited to the claim (2). Even in the case of the claim (2) it is obvious that a known element in the prior art such as a mirror or a lens can be used in a lot of ways to redirect the bunch of light of the projector and this is well recognised by any expert. Anyway we cancel the claims 2 and 3 in order to comply with the requirement.

The International Preliminary Examination Authority of the Geneva International Office has issued the Preliminary Examination Report and afterward the European Patent Office has granted the patent without requiring drawings.

2. ERROR IN REQUIREMENT TO INCLUDE REFERENCE SIGNS 4-74

The examiner declares that " the drawings are objected to as failing to comply with 37 CFR 1.84 (p) (5) because they do not include the following reference signs mentioned in the description: elements 4-74".

However the applicant has not included in the specification nor in the claims of the patent such 4-74 elements. The only place where elements 4-74 are mentioned is in the "Notes for the examiner" included as an explanation in the reply to the first Office Action as a way of informing to the examiner of every amendment and its justification and they are not reference signs of the description or the drawings.

The " Notes for the examiner " are not a part of the description but an additional information Annex attached to the description and only addressed to the examiner.

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In the same way the objection that " each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either < Replacement Sheet> or < New Sheet> pursuant to 37 CFR 1.121 (d)" is an error because the drawings were filed with the label " New Sheet" in the top margin.

The "marked-up copy of each Replacement Sheet including annotations indicating the changes made in the previous version" was sent on September 14th 2007 by a letter with the required marked-up copy.

SPECIFICATION

4.a. The examiner objects that " it is unclear if the numerals are referring to elements of the drawings or paragraphs" .

This is an error. The description and the claims don't have numerals referring to elements of the drawings nor the paragraphs. The only document with numerals 4-74 is the " Notes for the examiner" enclosed to the amendments in the reply to the first Office Action but it is not part of the description or the claims as we have said supra.

4.b. The examiner requires to use " plurality of image projectors" instead of " bunch of image projectors". We will accept the requirement.

4.c. The examiner requires to clarify " entertainment aim" . We accept to replace it for " with a purpose of amusement or diversion" which is similar.

5. The specification has been revised and written in English by Professor James Kent of London University.

CLAIM OBJECTIONS

6. INFORMALITIES

6 a. We accept to use " plurality of image projectors" instead of " bunch of image projectors"

6 b. We accept to replace " entertainment aim" by " with a purpose of amusement or diversion"

6 c. We accept to substitute " a projection procedure" by " a projection method",

6 d. We accept to replace " tridimensional" by " three-dimensional".

CLAIM REJECTIONS

9. The examiner rejects the claims 1-4 because she considers " unclear the means used by the applicant to project the image , how said image is modified, and how the " three . dimensional location " is modified. The objection has to be refused. The projectors are not claimed because it is not a characterizing feature of the invention and any projector of any kind can be used. The image is modified when it is formed on a translucent screen which is selected by the spectator by means of an electrical current polarizing or depolarizing the liquid between the sheets of every screen and the location of the image is modified in this way changing the screen on which the image is formed or projected.

We modify the claim 1 in order to clarify in a better way said objections but this patent has received a positive Preliminary Examination Report of the Geneva International Office according the Patent Cooperation Treaty and it has been granted in English by the European Patent Office on February 27th 2008.

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10. The examiner rejects the claims 1-4 because she considers "the claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical idiomatic errors".

It is true that this is a foreign patent applied on the ground of the Patent Cooperation Treaty translated from the Spanish and it is not an American patent in a similar way to any other foreign PCT patent. But in the last version we have filed it in the reply of the first Office Action this patent has been granted in English at the European Patent Office after having been corrected by a Professor of the London University and the U.S. practice has to comply with the U.S. and PCT Law according to the rule of Law.

CONCLUSION

The examiner finally objects the novelty: "Braun et al. (DE 3533448A1) disclose an arrangement and method for generating images on a projection surface". But this patent has a positive Preliminary Examination Report of the Geneva International Office according to the PCT and it has been granted by the Munich European Patent Office and the mentioned Braun's Patent is a method of external projection on a polyhedron but it is not a system of rear projection on successive multilaminar screens to approach or move away an image from a spectator modifying the transparent or translucent state of every polarizable screen.

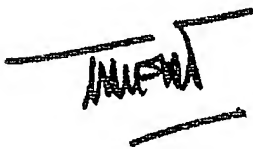
New evidence in support of the patentability

The patent has been granted in English with the same content by the Munich European Patent Office on February 27th 2008.

We respectfully ask for a confirmation by fax of the receiving.

Yours faithfully,

pp



Juan F. Casero Lambás

PS.- We enclose 19 sheets including this letter.